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6 Attorneys for Defendant  
 FORTINET, INC.

7 UNITED STATES DISTRICT COURT  
 8  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10  
 11 SAN JOSE DIVISION

11 ENRICO GARGALE,

12 Plaintiff,

13 v.

14 FORTINET, INC. and DOES 1 through 50,

15 Defendants.

) CASE NO.: CV-08-3167-JF

)  
 ) **STIPULATION AND [PROPOSED]**  
 ) **ORDER TO EXTEND TIME IN**  
 ) **WHICH DEFENDANT FORTINET,**  
 ) **INC. MUST FILE A RESPONSIVE**  
 ) **PLEADING & CONTINUING CMC**  
 ) **DATE**

) Current CMC Date: November 21, 2008

) Proposed CMC Date: December 19, 2008

) Before: Hon. Jeremy Fogel  
 )

19  
 20 WHEREAS, Plaintiff filed his Complaint on July 1, 2008;

21 WHEREAS, Defendant Fortinet, Inc.'s responsive pleading is currently due on  
 22 November 3, 2008;

23 WHEREAS, the Rule 26(f) Report, initial disclosures, and Case Management Statement  
 24 are currently due on November 11, 2008;

25 WHEREAS, the Initial Case Management Conference is currently scheduled for  
 26 November 21, 2008;

27 WHEREAS, the parties desire to defer such deadlines in order to pursue settlement  
 28 discussions;

1 NOW, THEREFORE, the parties, by and through their undersigned counsel of record,  
2 hereby agree and stipulate to the following:

3 1. Defendant Fortinet, Inc. will file a responsive pleading on or before December 3,  
4 2008.

5 2. The Rule 26(f) Report, initial disclosures, and Case Management Statement will  
6 be filed on or before December 11, 2008.

7 3. The Initial Case Management Conference currently scheduled for November 21,  
8 2008 is hereby continued until December 19, 2008, or to such later date as may be ordered by the  
9 Court.

10  
11 Dated: October 29, 2008

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13  
14 By: /s/ Michael C. Osborne

15 Michael C. Osborne

16 *Counsel for Plaintiff Enrico Gargale*  
17

18 Dated: October 29, 2008

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21  
22 By: /s/ Cynthia A. Dy

23 Cynthia A. Dy

24 *Counsel for Defendant Fortinet, Inc.*  
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**[PROPOSED] ORDER**

Based upon the above stipulation of the parties, and for good cause appearing therefor, IT  
IS HEREBY ORDERED THAT:

1. Defendant Fortinet, Inc. will file a responsive pleading on or before December 3, 2008.

2. The Rule 26(f) Report, initial disclosures, and Case Management Statement will be filed on or before December 11, 2008.

3. The Initial Case Management Conference currently scheduled for November 21, 2008 is hereby continued until December 19, 2008, or to such later date as may be ordered by this Court.

Dated: October 30, 2008

  
\_\_\_\_\_  
Hon. Jeremy Fogel  
United States District Judge

**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, Pamela E. Glazner, attest that concurrence in the filing of this document has been obtained from each of the signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 29th day of October, 2008 at Palo Alto, California.

By: /s/ Pamela E. Glazner

Pamela E. Glazner

*Counsel for Defendant Fortinet, Inc.*